

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

SARAH LEMING,

Plaintiff,

:

Case No. 3:07-cv-082

-vs-

District Juge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

REMAND ORDER

On Joint Motion of the parties (Doc. No. 10) and for good cause shown, the Defendant Commissioner's decision is reversed and this case is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). On remand the Commissioner will conduct further proceedings and develop the administrative record as necessary to determine whether Plaintiff is entitled to disability insurance benefits within the meaning of the Social Security Act.

On remand, an administrative law judge (ALJ) will:

- develop further evidence from Plaintiff regarding her self-employment income for 2003, including her tax returns and business records for that year;
- allow the Plaintiff an opportunity to testify at a supplemental hearing regarding her self-employment income for 2003 and the issue of whether she had disability insured status on August 21, 2003, the date the ALJ found her disabled;
- consider Social Security Ruling 70-55c in deciding whether Plaintiff derived selfemployment income in 2003; and

- determine whether Plaintiff had disability insured status on August 21, 2003.

The Appeals Council's findings regarding Plaintiff's entitlement to Medicare will not be disturbed on remand.

The Clerk will enter judgment in accordance with the foregoing.

January 22, 2008.

s/THOMAS M. ROSE

Thomas M. Rose
United States District Judge